

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 2, 5, 7-9, 15-19) is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants have cancelled claim 1 and added claim 19 to better claim the invention. Claim 19 includes locking element 16, 18 not shown in the prior art cited.

Initially, the Examiner rejected claims 1-3 and 15-16 as being obvious over German Publication to List in view of McGuire et al. U.S. Patent No. 5,374,270. List shows in FIG. 2 a stationary guide sleeve 5 with a window showing the depth of a rotatable drill 1. On the other hand, McGuire shows a rotatable drill shank 14 having a drill bit 11 housing a guide wire 12. Because the shank of McGuire et al. is rotatable, this teaches away from including the non-rotating window of List in a rotating shank of McGuire et al. Furthermore, there is no teaching that the end of the guide wire 24 of Applicants' invention should be at location 30 within the window 28. Independent claims 7, 15 and 19 have been amended to clearly recite that the trailing end of the guide wire is viewable through the window or aperture. Not only is there no incentive to combine List and McGuire to add a window to McGuire et al., there is no teaching in either reference that the end of the guide wire should be viewable in the window.

The Examiner then rejected claims 4-6 and 17 and 18 as being obvious over the combination of List and McGuire et al. further in view of Ellis U.S. Patent No. 5,171,248. The Examiner cites Ellis for teaching diametrically opposed windows. Apparently, the windows the Examiner is referring to are at the distal end 22 of the sleeve 12. Apparently this slot referred to by the Examiner is for receiving caliper arms 32, 34 which are manipulated by the movement of rod 28 with the pin 36

engaging the caliper arm. Clearly there is nothing viewable through the slot 24 and therefore cannot properly be interpreted as a window. Therefore, there would be no reason to combine Ellis with either of the two references cited by the Examiner. Furthermore, there is no suggestion in Ellis that a trailing end of a guide pin should be viewable through the window.

The Examiner then rejected claims 7-9 as being obvious over a combination of List, McGuire et al., Jerger et al. and the in the case of claim 9, further in view of Ellis. Jerger discloses a device for driving a wire pin such as a Kirschner wire into a bone. As discussed above, the Applicants have amended claim 7 to require that the trailing end of the guide wire be viewable through the slot as shown in his FIG. 2. It is noted that a Kirschner wire has a smooth uniform outer surface and it would be impossible to tell whether the guide wire is stationary with respect to the drill unless an end portion were viewable in the window. No combination of references cited by the Examiner teaches this limitation.

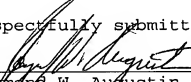
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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